

AMENDED IN ASSEMBLY JUNE 8, 2006

SENATE BILL

No. 1187

Introduced by Senators Ackerman and Dunn

January 19, 2006

An act to amend Section 75521 of the Government Code, relating to judges' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1187, as amended, Ackerman. Judges' retirement.

Under existing law, if a judge under the Judges' Retirement System II leaves judicial office after 5 or more years *of* service and is not eligible to retire, the judge shall receive the amount in his or her retirement account by lump-sum payment.

This bill would, under rules adopted by the Board of Administration of the Public Employees' Retirement System, permit a judge to elect to receive the amount in his or her retirement account as an annuity. *This bill would, if a judge reenters service after electing to receive the amount in his or her retirement account as an annuity, require that judge to reenter service as a new member of the Judges' Retirement System II without credit for any previous service, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 75521 of the Government Code is
2 amended to read:

1 75521. (a) A judge who leaves judicial office before accruing
2 at least five years of service shall be paid the amount of his or her
3 contributions to the system, and no other amount.

4 (b) A judge who leaves judicial office after accruing five or
5 more years of service and who is not eligible to elect to retire
6 under Section 75522 shall be paid the amount of his or her
7 monetary credits determined pursuant to Section 75520,
8 including the credits added under subdivision (b) of that section
9 computed to the last day of the month preceding the date of
10 distribution, unless under rules adopted by the board, the judge
11 elects to be paid an annuity of actuarially equivalent value for the
12 judge's life or by one of the optional forms provided for in
13 Section 75571.

14 (c) Judges who leave office as described in subdivision (b) are
15 "retired judges" for purposes of a concurrent retirement with
16 respect to the benefits provided under Section 20639 and
17 assignment pursuant to Article 2 (commencing with Section
18 66540) of Chapter 2 and are eligible for benefits provided under
19 Section 22814.

20 (d) After a judge has withdrawn his or her accumulated
21 contributions or the amount of his or her monetary credits *in a*
22 *single lump sum payment* upon leaving judicial office, the service
23 shall not count in the event he or she later becomes a judge again,
24 until he or she pays into the Judges' Retirement System II Fund
25 the amount withdrawn, plus interest thereon at the rate of interest
26 then being required to be paid by members of the Public
27 Employees' Retirement System under Section 20750 from the
28 date of withdrawal to the date of payment.

29 (e) *Notwithstanding Section 20752, a judge who elects to be*
30 *paid an annuity as described in subdivision (b) may not redeposit*
31 *his or her withdrawn accumulated contributions and if that judge*
32 *reenters the system, he or she shall reenter as a new member*
33 *without credit for any previous service, as defined in Section*
34 *75502.*